



February 20, 2009

HOUSE BILL No. 1129

DIGEST OF HB 1129 (Updated February 18, 2009 12:25 pm - DI 109)

Citations Affected: IC 20-20; IC 20-30; noncode.

Synopsis: Adult education. Requires a school corporation to include in its school performance report information concerning the adult education programs it may offer. Permits a school corporation to partner with a qualified provider of adult education under the state's adult education program. Establishes an interim study committee to study certain aspects of adult education. (The introduced version of this bill was prepared by the interim study committee on adult education issues.)

Effective: Upon passage; July 1, 2009.

**Klinker, Thompson, VanDenburgh,
Behning**

January 14, 2009, read first time and referred to Committee on Education.
February 19, 2009, amended, reported — Do Pass.

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HB 1129—LS 6128/DI 73+



February 20, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

HOUSE BILL No. 1129

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 20-20-8-8, AS AMENDED BY P.L.3-2008, SECTION 115, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. The report must include the following information:

- (1) Student enrollment.
- (2) Graduation rate (as defined in IC 20-26-13-6).
- (3) Attendance rate.
- (4) The following test scores, including the number and percentage of students meeting academic standards:
 - (A) ISTEP program test scores.
 - (B) Scores for assessments under IC 20-32-5-21, if appropriate.
 - (C) For a freeway school, scores on a locally adopted assessment program, if appropriate.
- (5) Average class size.
- (6) The number and percentage of students in the following groups or programs:

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- 1 (A) Alternative education, if offered.
- 2 (B) Career and technical education.
- 3 (C) Special education.
- 4 (D) High ability.
- 5 (E) Remediation.
- 6 (F) Limited English language proficiency.
- 7 (G) Students receiving free or reduced price lunch under the
- 8 national school lunch program.
- 9 (H) School flex program, if offered.
- 10 (7) Advanced placement, including the following:
- 11 (A) For advanced placement tests, the percentage of students:
- 12 (i) scoring three (3), four (4), and five (5); and
- 13 (ii) taking the test.
- 14 (B) For the Scholastic Aptitude Test:
- 15 (i) test scores for all students taking the test;
- 16 (ii) test scores for students completing the academic honors
- 17 diploma program; and
- 18 (iii) the percentage of students taking the test.
- 19 (8) Course completion, including the number and percentage of
- 20 students completing the following programs:
- 21 (A) Academic honors diploma.
- 22 (B) Core 40 curriculum.
- 23 (C) Career and technical programs.
- 24 (9) The percentage of grade 8 students enrolled in algebra I.
- 25 (10) The percentage of graduates who pursue higher education.
- 26 **(11) The following information concerning the school**
- 27 **corporation's adult education program under IC 20-30-6-1**
- 28 **and the federal Adult Education and Family Literacy Act (20**
- 29 **U.S.C. 9201 et seq.):**
- 30 **(A) The total number of students enrolled during the**
- 31 **previous year by program type and age.**
- 32 **(B) The total number of participating students during the**
- 33 **prior year completing each level by type and age.**
- 34 ~~(11)~~ **(12) School safety, including:**
- 35 **(A) the number of students receiving suspension or expulsion**
- 36 **for the possession of alcohol, drugs, or weapons; and**
- 37 **(B) the number of incidents reported under IC 20-33-9.**
- 38 ~~(12)~~ **(13) Financial information and various school cost factors,**
- 39 **including the following:**
- 40 **(A) Expenditures per pupil.**
- 41 **(B) Average teacher salary.**
- 42 **(C) Remediation funding.**

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~~(13)~~ **(14)** Technology accessibility and use of technology in instruction.

~~(14)~~ **(15)** Interdistrict and intradistrict student mobility rates, if that information is available.

~~(15)~~ **(16)** The number and percentage of each of the following within the school corporation:

(A) Teachers who are certificated employees (as defined in IC 20-29-2-4).

(B) Teachers who teach the subject area for which the teacher is certified and holds a license.

(C) Teachers with national board certification.

~~(16)~~ **(17)** The percentage of grade 3 students reading at grade 3 level.

~~(17)~~ **(18)** The number of students expelled, including the number participating in other recognized education programs during their expulsion.

~~(18)~~ **(19)** Chronic absenteeism, which includes the number of students who have been absent more than ten (10) days from school within a school year without being excused.

~~(19)~~ **(20)** The number of students who have dropped out of school, including the reasons for dropping out.

~~(20)~~ **(21)** The number of student work permits revoked.

~~(21)~~ **(22)** The number of student driver's licenses revoked.

~~(22)~~ **(23)** The number of students who have not advanced to grade 10 due to a lack of completed credits.

~~(23)~~ **(24)** The number of students suspended for any reason.

~~(24)~~ **(25)** The number of students receiving an international baccalaureate diploma.

~~(25)~~ **(26)** Other indicators of performance as recommended by the education roundtable under IC 20-19-4.

SECTION 2. IC 20-30-6-1, AS ADDED BY P.L.1-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. **(a) As used in this section, "qualified provider" means any of the following:**

(1) A school corporation.

(2) An eligible provider (as defined in 20 U.S.C. 9202).

~~(a)~~ **(b)** The state board and the state superintendent may prescribe a program of adult education **under this section and the federal Adult Education and Family Literacy Act (20 U.S.C. 9201 et seq.)**. The state board shall adopt rules under IC 4-22-2 to provide for this program and to provide for the state distribution formula for money appropriated by the general assembly for adult education. Money

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appropriated by the general assembly for adult education may be used only to reimburse a school corporation for adult education that is provided to individuals who:

(1) need the education to master a skill that leads to:

(A) the completion of grade 8; or

(B) a state of Indiana general educational development (GED) diploma under IC 20-20-6;

(2) need the education to receive high school credit to obtain a high school diploma; or

(3) have graduated from high school (or received a high school equivalency certificate or a state of Indiana general educational development (GED) diploma) but who demonstrate basic skill deficiencies in mathematics or English/language arts.

However, a school corporation may enter into an agreement with a qualified provider to provide the services described in this section. For purposes of reimbursement under this section, the school corporation may not count an individual who is also enrolled in the school corporation's kindergarten through grade 12 educational program. An individual described in subdivision (3) may be counted for reimbursement by the school corporation only for classes taken in mathematics and English/language arts.

~~(b)~~ **(c)** The state board shall provide for reimbursement to a school corporation under this section for instructor salaries and administrative and support costs. However, the state board may not allocate more than fifteen percent (15%) of the total appropriation under subsection ~~(a)~~ **(b)** for administrative and support costs.

~~(c)~~ **(d)** A school corporation may conduct a program of adult education.

~~(d)~~ **(e)** A school corporation may require an individual who:

(1) is at least sixteen (16) years of age; and

(2) wishes to enroll in a school following the student's expulsion from school under IC 20-33-8 on the grounds that the student was:

(A) disorderly; or

(B) dangerous to persons or property;

to attend evening classes or classes established for students who are at least sixteen (16) years of age. However, the school corporation shall provide a child with a disability (as defined in IC 20-35-1-2) who is at least eighteen (18) years of age and whom the school corporation elects to educate with an appropriate special educational program.

SECTION 3. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "committee" refers to the interim study committee on

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adult education programs established by this SECTION.

(b) There is established the interim study committee on adult education programs. The committee shall study issues concerning adult education programs and make recommendations to the general assembly addressing at least the following:

(1) Gaps that exist throughout Indiana in adult education programs offered.

(2) Funding issues, including:

(A) a comprehensive fiscal analysis detailing the extent to which the demand for additional adult education programming exceeds the financial resources available throughout Indiana; and

(B) the method of funding for adult education.

(3) Administrative efficiencies.

(c) The committee shall operate under the policies governing study committees adopted by the legislative council.

(d) The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to take action on any measure, including a final report.

(e) This SECTION expires November 1, 2009.

SECTION 4. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 20-30-6-1, as amended by this act, the Indiana state board of education may not engage in the adoption of new rules under IC 4-22-2 concerning adult education.

(b) This SECTION expires July 1, 2010.

SECTION 5. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1129, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-20-8-8, AS AMENDED BY P.L.3-2008, SECTION 115, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. The report must include the following information:

- (1) Student enrollment.
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- (4) The following test scores, including the number and percentage of students meeting academic standards:
 - (A) ISTEP program test scores.
 - (B) Scores for assessments under IC 20-32-5-21, if appropriate.
 - (C) For a freeway school, scores on a locally adopted assessment program, if appropriate.
- (5) Average class size.
- (6) The number and percentage of students in the following groups or programs:
 - (A) Alternative education, if offered.
 - (B) Career and technical education.
 - (C) Special education.
 - (D) High ability.
 - (E) Remediation.
 - (F) Limited English language proficiency.
 - (G) Students receiving free or reduced price lunch under the national school lunch program.
 - (H) School flex program, if offered.
- (7) Advanced placement, including the following:
 - (A) For advanced placement tests, the percentage of students:
 - (i) scoring three (3), four (4), and five (5); and
 - (ii) taking the test.
 - (B) For the Scholastic Aptitude Test:
 - (i) test scores for all students taking the test;
 - (ii) test scores for students completing the academic honors diploma program; and
 - (iii) the percentage of students taking the test.

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(8) Course completion, including the number and percentage of students completing the following programs:

- (A) Academic honors diploma.
- (B) Core 40 curriculum.
- (C) Career and technical programs.

(9) The percentage of grade 8 students enrolled in algebra I.

(10) The percentage of graduates who pursue higher education.

(11) The following information concerning the school corporation's adult education program under IC 20-30-6-1 and the federal Adult Education and Family Literacy Act (20 U.S.C. 9201 et seq.):

(A) The total number of students enrolled during the previous year by program type and age.

(B) The total number of participating students during the prior year completing each level by type and age.

~~(+1)~~ **(12)** School safety, including:

- (A) the number of students receiving suspension or expulsion for the possession of alcohol, drugs, or weapons; and
- (B) the number of incidents reported under IC 20-33-9.

~~(+2)~~ **(13)** Financial information and various school cost factors, including the following:

- (A) Expenditures per pupil.
- (B) Average teacher salary.
- (C) Remediation funding.

~~(+3)~~ **(14)** Technology accessibility and use of technology in instruction.

~~(+4)~~ **(15)** Interdistrict and intradistrict student mobility rates, if that information is available.

~~(+5)~~ **(16)** The number and percentage of each of the following within the school corporation:

- (A) Teachers who are certificated employees (as defined in IC 20-29-2-4).
- (B) Teachers who teach the subject area for which the teacher is certified and holds a license.
- (C) Teachers with national board certification.

~~(+6)~~ **(17)** The percentage of grade 3 students reading at grade 3 level.

~~(+7)~~ **(18)** The number of students expelled, including the number participating in other recognized education programs during their expulsion.

~~(+8)~~ **(19)** Chronic absenteeism, which includes the number of students who have been absent more than ten (10) days from

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school within a school year without being excused.

~~(19)~~ (20) The number of students who have dropped out of school, including the reasons for dropping out.

~~(20)~~ (21) The number of student work permits revoked.

~~(21)~~ (22) The number of student driver's licenses revoked.

~~(22)~~ (23) The number of students who have not advanced to grade 10 due to a lack of completed credits.

~~(23)~~ (24) The number of students suspended for any reason.

~~(24)~~ (25) The number of students receiving an international baccalaureate diploma.

~~(25)~~ (26) Other indicators of performance as recommended by the education roundtable under IC 20-19-4."

Page 1, line 14, reset in roman "school corporation".

Page 1, line 14, delete "qualified provider".

Page 2, line 9, before "For" insert **"However, a school corporation may enter into an agreement with a qualified provider to provide the services described in this section."**

Page 2, line 9, reset in roman "the school".

Page 2, line 10, reset in roman "corporation".

Page 2, line 10, delete "a qualified provider".

Page 2, line 11, reset in roman "the school corporation's".

Page 2, line 11, delete "a".

Page 2, line 13, reset in roman "the school corporation".

Page 2, line 13, delete "a".

Page 2, line 14, delete "qualified provider".

Page 2, line 16, reset in roman "school".

Page 2, line 17, reset in roman "corporation".

Page 2, line 17, delete "qualified provider".

Page 2, line 21, reset in roman "school corporation".

Page 2, line 21, delete "qualified provider".

Page 2, after line 34, begin a new paragraph and insert:

"SECTION 3. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "committee" refers to the interim study committee on adult education programs established by this SECTION.

(b) There is established the interim study committee on adult education programs. The committee shall study issues concerning adult education programs and make recommendations to the general assembly addressing at least the following:

(1) Gaps that exist throughout Indiana in adult education programs offered.

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(A) a comprehensive fiscal analysis detailing the extent to

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which the demand for additional adult education programming exceeds the financial resources available throughout Indiana; and

(B) the method of funding for adult education.

(3) Administrative efficiencies.

(c) The committee shall operate under the policies governing study committees adopted by the legislative council.

(d) The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to take action on any measure, including a final report.

(e) This SECTION expires November 1, 2009.

SECTION 4. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 20-30-6-1, as amended by this act, the Indiana state board of education may not engage in the adoption of new rules under IC 4-22-2 concerning adult education.

(b) This SECTION expires July 1, 2010.

SECTION 5. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1129 as introduced.)

PORTER, Chair

Committee Vote: yeas 7, nays 5.

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